

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2568

IN THE MATTER OF:

Served June 26, 1984

Application of WEBB TOURS, INC.,)
for a Certificate of Public Con-)
venience and Necessity to Conduct)
Charter and Special Operations)

Case No. AP-84-12

By application filed March 12, 1984, Webb Tours, Inc., seeks a certificate of public convenience and necessity to transport passengers, in special and charter operations, subject to certain restrictions as set forth in the Appendix attached hereto. ^{1/} The object of the application is to remove the limitation to sightseeing only in Webb Tours' existing charter and special operations, and to expand the territorial scope of its special operations to add points in Fairfax County, Va., and points in Montgomery and Prince George's Counties, Md., to the territory already authorized in WMATC Certificate No. 33 held by applicant.

Pursuant to Order No. 2545, served April 11, 1984, and incorporated by reference herein, a public hearing on the application was held on May 22, 1984. No party appeared in opposition. The applicant presented six public witnesses and one operating witness. Their testimony is summarized below.

Ms. Kathleen R. Dietrich testified in support of the application in her capacity as general manager of USA Hosts. USA Hosts is in the business of making arrangements for conventions. This includes arrangements for ground transportation of persons attending conventions in Washington, D.C. The transportation required involves the movement of convention participants between the metropolitan area airports and local hotels, to and from points of interest for sightseeing tours, and to and from meetings, parties, and so forth.

Ms. Dietrich testified that the opening of the Convention Center in Washington, D.C., two years ago is likely to stimulate an increase in her company's business. USA Hosts supports this

^{1/} To the extent that the application may be construed as seeking authority to operate between points solely within Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

application to increase the pool of equipment available to meet local charter and special operations transportation needs. In this regard, Ms. Dietrich testified that in the past she has been unable to get enough equipment to meet her company's needs from existing carriers such as Gold Line, Atwood, Eyre's, and T&S. She indicated that the addition of the applicant's service would be beneficial because the double-decker buses Webb operates allow more passengers to be carried on fewer pieces of equipment. She further stated that USA Hosts would use Webb's proposed service approximately 14 times during the remainder of 1984 if this application is granted.

Norman M. Gurevich testified in support of the application in his capacity as President of Cherry Hill Camp City, Inc. This company operates a recreational vehicle campsite in College Park, Md., and serves approximately 12,000 families per year, many of whom come to this area as tourists. Cherry Hill Camp City is presently an agent for Gray Line Sightseeing Tours, and during the peak tourism season it books from 80 to 95 passengers a day on three daily scheduled sightseeing tours leaving from its campsite.

While Mr. Gurevich had no complaints about the sightseeing service available from Gray Line, he testified that there are often occasions when campers using his company's facilities have a need for bus transportation not involving any sightseeing. For example, campers sometimes need to go to conventions or meetings in the metropolitan area, or to sports events at the Capital Center and RPK Stadium. Many desire to be transported to and from the Mall area, without any lectured sightseeing services added. Mr. Gurevich testified there is no service available now to meet these needs.

Mr. Gurevich further testified that if Webb's service were authorized to meet these non-sightseeing transportation needs, it would be used from his campsite at least eight times a year. Moreover, in his capacity as Vice-President of the Prince George's County Travel and Promotion Council, and based on his involvement in other tourist industry trade associations, Mr. Gurevich offered his opinion that the volume of tourists visiting the metropolitan area is increasing at a steady rate, thereby creating a need for more transportation services such as Webb proposes.

Next to testify in support of the application was Herman Vogel, President of D.C. Tours, Inc., a tour travel and convention planning service. Mr. Vogel's testimony indicated that his company's transportation needs involve shuttle service substantially similar to that required by USA Hosts, discussed above. D.C. Tours has used Webb's existing sightseeing service in the past and has found it to be preferable to other existing services in terms of reliability and equipment availability. If this application is granted, D.C. Tours would use Webb's proposed service 50 to 60 times during the balance of 1984. One particular advantage of Webb's service cited by Mr. Vogel was the fact that Webb's double-decker buses allow larger numbers of

passengers to be moved from a particular site more quickly than is possible using conventional equipment, which is an important economic consideration in convention planning.

Mark Julian testified in support of the application on behalf of Julian Travel, a company engaged in organizing charter tours for school groups. In the past, Julian Travel has arranged tours for almost all of the schools in Arlington County, Va., and Montgomery County, Md., all of the junior high and high schools in Fairfax County, Va., and many schools in Prince George's County, Md., and Washington, D.C. The tours arranged by Julian Travel often involve point-to-point transfers within the Metropolitan District, including movements from Union Station and the local airports to area hotels, and movements to and from local points of interest. Mr. Julian gave an example of one tour that was arranged for a group of marketing students that involved transportation to various shopping malls, including the White Flint Mall in Rockville.

At times during its peak season from March to June, Julian Travel has had difficulty in obtaining buses from existing carriers. If this application is granted, it would use the proposed service approximately 25 times a year. Mr. Julian testified that the availability of double-decker buses such as applicant operates would allow groups of 55 to 65 students to be handled more economically than is possible when conventional equipment is used, because only one bus is necessary instead of two. Mr. Julian also testified that he is now planning an expansion of per capita tour services, and stated that his company would have a need for applicant's service in special operations in the future.

The next witness called by the applicant was John B. Taylor, President of T&S Bus Service, Inc. T&S holds WMATC Certificate of Public Convenience and Necessity No. 109, which was issued on May 2, 1984. Mr. Taylor testified that during the time his company had been in operation prior to the hearing, one dozen requests for service had been turned down due to lack of appropriate operating authority and another half dozen requests resulted in no service because the potential customer could not afford the cost of hiring more than one bus. T&S operates no double-decker buses and it has had occasions when it has turned down requests for service due to lack of equipment.

The last public witness was Alan Lightfield, a student who works for the University of Maryland Shuttle Transit System. Based on his observations of the transportation needs of the University's student body, Mr. Lightfield testified that many students without cars might find the special operations proposed by applicant to be useful for traveling to off-campus sporting events at the Capital Centre or to go out for an evening on the town. In connection with the latter type of use, Mr. Lightfield stated that applicant's service might also be used by students with cars who would not want to risk driving after

drinking. Finally, Mr. Lightfield testified that UMSTS operates six 45-passenger coaches and that there are often times when a University group might find it more economical to hire one double-decker bus from the applicant instead of two of the UMSTS coaches.

Ralph Webb testified as the applicant's operating witness. Webb Tours, Inc., holds nationwide special and charter operating authority from the Interstate Commerce Commission. The WMATC authority it holds involves essentially charter and special operations for sightseeing purposes only. 2/ It has on file a certificate of insurance evidencing compliance with WMATC regulations governing security for the protection of the public.

Webb Tours operates a fleet consisting of six English-made double-decker buses seating from 66 to 70 passengers, two German-made double-decker buses seating 73 passengers, three conventional motor coaches and one minibus. The expanded authority Webb seeks here is voluntarily restricted to operations in the double-decker buses only, except in certain extraordinary circumstances. The reasons for seeking the voluntary equipment restriction are twofold. First, the double-deckers are best suited to local rather than intercity transportation due to their unique design and engineering. Secondly, as a practical consideration, the restriction eliminated opposition from existing WMATC charter and special operations carriers.

Mr. Webb testified that his company has a training program for drivers and pointed out that there has never been an accident involving serious injuries to a passenger. The company maintenance program has recently been improved by the hiring of a manager to oversee the technical details. As for the company's compliance fitness, it was stipulated by counsel for the Commission that the operations of Webb Tours for the past year have been conducted satisfactorily without any apparent violations of WMATC regulations.

The 1983 annual report of Webb Tours was submitted as an exhibit. It indicates that the carrier is in reasonably sound financial condition. Mr. Webb stated that his company's financial condition would likely be strengthened as a result of a grant of this application. A statement of projected revenues and expenses was admitted in evidence to show an anticipated net profit of \$26,000 per year on the operations that would be made possible by a grant of this application.

2/ Webb's existing WMATC authority is described in detail in Order No. 2545, mentioned previously.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of the Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied."

Based on the standards set forth in the Compact, we find that a grant of the authority requested is warranted by the evidence submitted.

Mr. Webb's testimony clearly establishes the applicant's operational and financial fitness to perform the proposed transportation service. As for the applicant's ability to conform to our rules and regulations and the requirements of the Compact, we are pleased to see that the in camera review of applicant's charter service orders mandated by Order No. 2545 has resulted in a stipulation by the Commission's counsel that the applicant's recent operations appear to be in full compliance. We were constrained to deny the application of Webb Tours in Case No. AP-82-11 because of an apparent lack of compliance fitness. Now it appears that Webb Tours has reformed and can be expected to conduct itself in conformity with the law, to the obvious benefit of the public whose protection is a primary concern of this Commission.

The testimony presented by applicant's public witnesses amply supports the conclusion that Webb Tours' proposed expansion of service is required by the public convenience and necessity. The evidence discloses a genuine public demand or need for transportation in double-decker buses in both charter and special operations that is not limited to sightseeing only. In this regard, the testimony of all of the witnesses taken as a whole shows that the public will benefit from a grant of the authority sought for two reasons. First, transportation of groups ranging in size from 55 to 70 passengers in one double-decker bus instead of two conventional-style motor coaches will be less costly and thus will benefit schools and other organizations which might not otherwise be able to afford to travel. Secondly, the addition of the applicant's service will increase the overall pool of equipment available to meet the growing transportation needs of the convention and tourism industries in the nation's capital.

As for the territorial expansion of applicant's special operations, the testimony of Messrs. Gurevich, Julian and Lightfield indicates the existence of present and reasonably foreseeable future needs for the proposed service throughout the entire Metropolitan District. While the evidence of points to be served is somewhat less precise and specific than we would prefer, nevertheless we believe that a genuine public demand or need for the proposed special operations

service exists in Maryland and Fairfax County, Va., in addition to the remainder of the Metropolitan District already served by applicant.

There appears to be no threat to the public interest by way of harm to existing carriers if this application is granted. Existing carriers have seen fit not to oppose this application. We take this as an indication that existing operators are satisfied that they have no material interests at stake in this proceeding.

THEREFORE IT IS ORDERED:

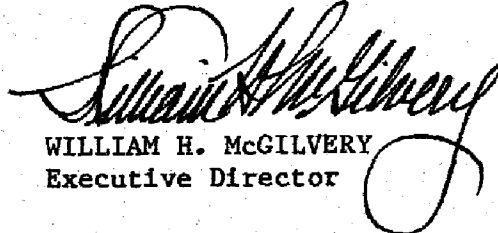
1. That the application of Webb Tours, Inc., is hereby granted as set forth in the appendix to this Order.

2. That Webb Tours, Inc., is hereby directed to file two copies of a tariff or supplement covering the expanded operations mandated in this Order, in conformity with Commission Regulation No. 55.

3. That unless compliance with the provisions of the preceding paragraph is effected within 30 days from the date of service hereof or such additional time as the Commission may authorize, the grant of authority made herein shall be void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

4. That upon timely compliance by Webb Tours with the requirement of ordering paragraph 2 above, an appropriate Certificate of Public Convenience and Necessity shall be issued.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS, WORTHY, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director

Appendix to Order No.

IRREGULAR ROUTES

- A. CHARTER OPERATIONS: between points within the Metropolitan District.
- B. SPECIAL OPERATIONS: between points within the Metropolitan District.
- C. SPECIAL OPERATIONS, limited to shuttle service for patrons of sightseeing or pleasure tours, as an incidence thereto and not to include any sightseeing, from points in the Metropolitan District to join such sightseeing or pleasure tours and return.

RESTRICTIONS

1. Services A and B above are restricted to the performance of such operations in double-deck buses; provided, however, that performance of such operations may be in conventional bus vehicles when double-deck buses are inoperative, and further provided that the carrier file with the Commission within five days of each use of conventional equipment, a written statement setting forth the date and service for which the conventional equipment was used and the reasons therefor.

2. Service in C above is restricted to the performance of such operations in vehicles with a manufacturer's designed maximum seating capacity of not more than 15 passengers, excluding the driver.

3. Services in B and C above are restricted against transportation to and from National and Dulles Airports.